WP(C) 2544/2007
BEFORE
HON'BLE MR. JUSTICE RANJAN GOGOI

Heard Mr AM Mazumdar, learned counsel for the petitioner; Mr. HRA Choudhury, learned counsel for the respondent No.3; Mr BD Konwar, learned counsel for the respondent No.5 and Mr G Soren, learned Govt. Advocate, Assam.

The challenge in the instant writ petition is against the NIT dated 17.4.2007 issued by the Barpeta Zilla Parishad inviting tenders inter alia for the following markets and parghat :-

1. Balikuri Hat
2. Kadong Hat
3. Satrakenora Hat
4. Jania Hat
5. Kadong Beki Parghat

The core contention advanced on behalf of the petitioner is that the aforesaid markets and the parghat were settled for the previous term by the authorities of the Mandia Anchalik Panchayat and that the Zilla Parishad has sought to bring the same within its jurisdiction by unauthorisingly enhancing the value of the said markets and the parghat. The said contention has relevance to a

pronouncement of this Court in WA No. 325/2003 which is to the effect that the markets and parghats of value less than Rs. One Lakh are to be settled by the Anchalik Panchayat and those above Rs. One Lakh are to be settled by the Zilla Parishad.

The Zilla Parishad represented by Mr HRA Choudhury on the contrary contends that the fixation of value of the markets and the parghat in question has been made after following the prescribed norms.

While this writ petition had remained pending, the markets and the parghat in question have been settled by the Mandia Anchalik Panchayat after issuing a NIT. The said markets and the parghat are presently being run by the concerned lessees. Though Mr Choudhury, learned counsel for the Zilla Parishad denies any knowledge of such settlement, the materials placed before the Court make is clear that such settlements have been made by the Anchalik Panchayat. Neither the aforesaid settlements made by the Anchalik Panchayat have been challenged in the present proceeding by way of amendment of the writ petition, nor are the persons who are running and operating the markets and the parghat in question are before the Court. Any order of the Court with regard to the jurisdiction of either of the two Panchayat authorities to settle the markets and the parghat in question, therefore, may be injurious to the persons not before the Court.

In the above circumstances, the Court is of the view that the issue arising in the instant writ petition with regard to the jurisdiction and competence of either of the two authorities, namely, Anchalik Panchayat and Zilla Parishad to settle the markets and the parghat in question should not be answered by the Court at this stage. The contentions raised in the writ petition are, therefore, not being gone into. Instead the writ petition is ordered to be closed with liberty to any of the aggrieved party to challenge the settlements made by the Anchalik Panchayat in question, if so advised on all available grounds including the jurisdiction of the Anchalik Panchayat to make the settlements in question.

The writ petition is closed in terms of the above directions.